

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-14 are pending in this case. Claims 1, 2, 4-6, 8, 10-12, and 14 are amended by the present amendment. Amended Claims 1, 2, 4-6, 8, 10-12, and 14 are supported by the original disclosure and add no new subject matter.

The outstanding Office Action rejected Claims 1, 5, and 11 under 35 U.S.C. § 102(b) as being anticipated by Kiyohara et al. (U.S. Patent No. 4,307,408, herein “Kiyohara”). Claims 6 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kiyohara in view of Yoshizawa (U.S. Patent No. 6,813,052). Claims 6 and 7 were also rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter. Claims 2-4, 8-10, and 12-14 were indicated as including allowable subject matter. Applicant gratefully acknowledges the indication.

Claims 1, 5, and 11 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kiyohara. Applicant respectfully traverses the rejection.

Amended Claim 1 recites a synchronous detector “wherein the light beam deflected by the deflecting unit onto the surface to be scanned and the light beam deflected by the deflecting unit onto the photoreceiver are in a same plane.” However, in Figure 2 and in the specification from column 8, line 67 to column 9, line 25, Kiyohara describes a synchronizing system wherein the focusing lens beam and the synchronizing beam are in different planes. Figure 2 shows the synchronizing beam deflected up from the half-mirror 13a through the prism 13b *onto a different plane* than the focusing lens beam which emerges directly from the half-mirror 13a. Kiyohara does not teach a synchronizing system wherein the scanning beam and the synchronizing beam are in the same plane. Because Kiyohara

does not teach the elements recited in Amended Claim 1, the rejection of Claim 1 is believed to be overcome.

Amended Claim 5 recites an optical scanner “wherein the light beam deflected by the deflecting unit onto the surface to be scanned and the light beam deflected by the deflecting unit onto the photoreceiver are in a same plane.” As noted above, Kiyohara does not teach an optical scanner wherein the scanning beam and the synchronizing beam are in the same plane. Because Kiyohara does not teach the elements recited in Amended Claim 5, the rejection of Claim 5 is believed to be overcome.

Amended Claim 11 recites an image forming apparatus “wherein the light beam deflected by the deflecting unit onto the surface to be scanned and the light beam deflected by the deflecting unit onto the photoreceiver are in the same plane.” As noted above, Kiyohara does not teach an image forming apparatus wherein the scanning beam and the synchronizing beam are in the same plane. Because Kiyohara does not teach the elements recited in amended Claim 11, the rejection of Claim 11 is believed to be overcome.

Claims 6 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kiyohara in view of Yoshizawa and also under 35 U.S.C. § 112 as being indefinite. Claims 6 and 7 have been amended to correct the improper antecedent basis. Therefore, Claims 6 and 7 are believed to be in compliance with all requirements under 35 U.S.C. § 112, second paragraph.

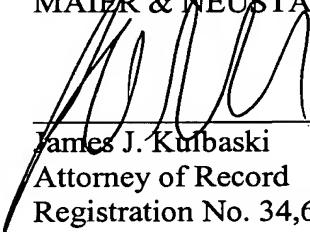
Claims 6 and 7 depend from Claim 5. Therefore, Claims 6 and 7 are believed to be patentable for at least the reasons discussed above with respect to Claim 5. Further, it is respectfully noted that Yoshizawa does not cure the deficiencies of Kiyohara. As a result, it is respectfully submitted that Claims 6 and 7 are patentable over Kiyohara in view of Yoshizawa.

Claims 2, 4, 8, 10, 12, and 14 were indicated as including allowable subject matter and are amended to be in independent form. Consequently, Claims 2, 4, 8, 10, 12, and 14 (and claims dependent therefrom) are allowable.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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